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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,523	02/01/2001	Hideaki Machida	1022-01	4791

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IP Department
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EXAMINER

SIMONE, CATHERINE A

ART UNIT PAPER NUMBER

1772

DATE MAILED: 12/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,523

Applicant(s)

MACHIDA ET AL.

Examiner

Catherine Simone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 8, 2003 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation “a plurality of repetitive patterns” is deemed vague and indefinite. What is meant by “repetitive patterns”? What kind or type of patterns? Clarification is requested.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1 and 3** are rejected under 35 U.S.C. 102(b) as being anticipated by Sado et al. (US 4,971,748).

Sado et al. discloses a polyimide molding of thermoplastic aromatic polyimide resin, comprising a wall defining an opening at one end and closed at an opposite end (Fig. 1, #11), and having a depth therebetween (see col. 6, line 57), wherein the wall thickness is between 0.001 mm and 0.5 mm (see col. 5, lines 43-45), wherein the thermoplastic aromatic polyimide resin has a glass transition temperature between 200°C and 350°C (2, lines 36-40) and has a degree of elongation at break of from 50 to 2,000% at its glass transition temperature (see col. 2, lines 40-42), wherein the polyimide molding has a plurality of repetitive patterns (see col. 2, line 43-45; for example, a corrugated sheet would have a plurality of repetitive patterns), and the molding has a longest major axis between 200 and 10,000 mm in length (see col. 6, line 58) with a depth between 0.5 and 8,000 mm (see col. 6, line 57). Regarding **claim 3**, note the wall thickness falls between 0.01 and 0.2 mm (see col. 5, lines 43-45) and the longest major axis falls between 200 and 5000 mm in length (see col. 6, line 58) with a depth falling between 1.0 and 2000 mm (see col. 6, line 57).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1 and 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sado et al. (US 4,971,748) in view of Voaden et al. (EP 0 392 674).

Sado et al. discloses a polyimide molding of thermoplastic aromatic polyimide resin, comprising a wall defining an opening at one end and closed at an opposite end (Fig. 1, #11), and having a depth therebetween (see col. 6, line 57), wherein the wall thickness is between 0.001 mm and 0.5 mm (see col. 5, lines 43-45), wherein the thermoplastic aromatic polyimide resin has a glass transition temperature between 200°C and 350°C (2, lines 36-40) and has a degree of elongation at break of from 50 to 2,000% at its glass transition temperature (see col. 2, lines 40-42), and a longest major axis between 200 and 10,000 mm in length (see col. 6, line 58) with a depth between 0.5 and 8,000 mm (see col. 6, line 57). However, Sado et al. fails to disclose a plurality of repetitive patterns. Voaden et al. teaches that it is old and well-known in the art to have a plurality of repetitive patterns (Fig. 1c, #6) for the purpose of producing a shaped sheet of polyimide. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the polyimide sheet in Sado et al. with a plurality of repetitive patterns as suggested by Voaden et al. in order to produce a shaped sheet of polyimide.

Regarding **claim 3**, note the wall thickness falls between 0.01 and 0.2 mm (see col. 5, lines 43-45) and the longest major axis falls between 200 and 5000 mm in length (see col. 6, line 58) with a depth falling between 1.0 and 2000 mm (see col. 6, line 57).

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Response to Arguments

8. Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection. However, in response to Applicant's argument that "Sado does not disclose, teach or suggest a plurality of repetitive patterns as shown below," it is to be noted that there is no support found in the specification for the drawing given in the Applicant's remarks showing the plurality of repetitive patterns.

There is no acknowledgement in the specification as to what the repetitive patterns are.

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (703)605-4297. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Catherine Simone
Examiner
Art Unit 1772
November 21, 2003



HAROLD PYON
SUPERVISORY PATENT EXAMINER
1/12

11/25/03